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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,980	12/27/2000	Elaine Lee	8600-0010	6822

7590 08/10/2006

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EXAMINER

REIMERS, ANNETTE R

ART UNIT	PAPER NUMBER
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3733

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,980

Applicant(s)

LEE, ELAINE

Examiner

Annette R. Reimers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-11,14-16,19, 22-32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,22,31,32 and 34-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-11,14-16,19,23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Upon further consideration, the last office action, i.e. final office action, mailed August 19, 2005, has been vacated. A new action follows.

Claim Objections

Claim 1 is objected to because the vaso-occlusive member selected from the group consisting of one or more occlusive coils, one or more filters, and combinations thereof is repeated twice in claim 1, at lines 2-3 and 8-9. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 11, 19 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Snyder (US Patent Number 5,658,308).

Snyder discloses a vaso-occlusive coil for treating aneurysms having a thrombogenic/fibrinogenic bioactive coating (see figures 1-3 and claims 2 and 3).

Claims 8, 9, 10, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (US Patent Number 5,658,308) in view of Schwarz et al. (US Patent Number 4,414,976) (cited by examiner on 892, paper number 04222004)

Snyder discloses the claimed invention except the thrombus-stabilizing molecule being Factor XIII, plasminogen activator inhibitor or plasmin inhibitor Schwarz teaches

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that tissue adhesive for use in vascular surgery may be made with Factor XIII, plasminogen activator inhibitor or plasmin inhibitor in order to stimulate wound healing (Column 1 lines 37-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Snyder with the thrombus-stabilizing molecule being Factor XIII, plasminogen activator inhibitor or plasmin inhibitor, in view of Schwarz, in order to promote healing.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (US Patent Number 5,658,308) in view of Slaikou et al. (US Patent Number 6,231,590) (cited by examiner on 892, paper number 16)

Snyder discloses the claimed invention except for the member being plasma-treated. Slaikou teaches that devices are plasma treated in order to attract platelets and thrombogenic proteins to the device (Column 4 lines 57-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Snyder, with a plasma treatment, in view of Slaikou et al., in order to attract platelets and thrombogenic proteins and thus promote healing at the implantation site.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Snyder (US Patent Number 5,658,308) in view of Murayama et al. (US Patent Number 5,891,192) (cited by examiner on 892, paper number 3)

Snyder discloses the claimed invention except for the vaso-occlusive member being subjected to ion-implantation. Murayama teaches that ion implantation is used to alter the surface properties, such as thrombogenicity and endothelial cellular migration

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and adhesion, of the device (Column 3 lines 21-29). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Snyder with ion-implantation in view of Murayama et al., in order to alter the thrombogenicity and endothelial cellular migration and adhesion.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (US Patent Number 5,658,308) in view of Nikolchev et al. (US Patent Number 6,526,979) (cited by examiner on 892, paper number 16)

Snyder discloses the claimed invention except for the vaso-occlusive member being microtextured. Nikolchev discloses that an occlusive member is microtextured in order to promote tissue ingrowth and enhance the occlusion of the vessel (Column 14 lines 9-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Snyder with the microtexturing in view of Nikolchev, in order to enhance tissue ingrowth and occlude the vessel.

Response to Arguments

Applicant's arguments with respect to claims 1, 7-11, 14-16, 19, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892 for art cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annette R. Reimers whose telephone number is (571) 272-7135. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EDUARDO C. ROBERT
SUPERVISORY PATENT EXAMINER